IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 13265 of 2005

Between:

Zaheer Ahmed Khan, S/o. Late Mir Gulam Ali Khan,
Malkajgiri, R.R.District, R/o. H.No.20-70115, Qazipura,
Hyderabad-265.

..... PETITIONER

AND

1 A.P. State Wakf Board, rep. by its Chief Executive Officer,
Haj House Buildings, Nampally, Hyderabad.
2 The Election Officer, A.P. State Wakf Board,
Khairatabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to Issue an order or writ, more particularly one in the nature of Writ of Mandamus declaring the action of respondents in not including the name of the petitioner in the list of electoral rolls as contemplated under Rule 4 of the A.P. State Wakf Board Conduct of Election Rules 1996 and also under category of Sec. 14 (1) (b) (iv) of the Act as illegal, arbitrary and contrary to sec. 14 (1) (b)(iv) of A.P. Wakf Act, 1995.

Counsel for the Petitioner:MRMOHDVASI AHMED

Counsel for the Respondents: MR.A.M.QURESHI (SC FOR AP WAKF BOARD)

The Court made the following :

ORDER:

The grievance of the petitioner in this writ petition is that his name does not

find place in the list of voters under the Muthawalli
category as provided for under Section 14 (1) (b) (iv) of the A.P. Wakf Act, 1995. He states that the list of voters was published on 20.06.2005 and his name does not find place therein, possibly in view of the fact that he was removed as Muthawalli by order dated 19.02.2005.

Sri Mohdvasi Ahmed, learned counsel for the petitioner, submits that the said order of removal, dated 19.02.2005, has been suspended by the Wakf Tribunal on 22.03.2005, and in view of the order of interim suspension passed by the Wakf Tribunal, the petitioner continues to be a Muthawalli of Dargah Hazrath Koh-e-Moula Ali, and consequently he is entitled to be included in the list of voters.

Sri A.M.Qureeshi, learned counsel for the Wakf Board draws my attention to Rule 6 of the A.P. State Wakf Board Conduct of Election Rules 1996 (for short 'the Rules'), notified in G.O.Ms.No.968, Minorities Welfare (Wakf), dated 27.05.1996, which relates to filing of objections.
Rule 6 (1) thereof provides that any person aggrieved by such publication may file an objection petition before the Election Authority within four days of such publication, for addition, deletion, or modification of any name. He also refers to Sub-Rule (2) thereof, whereunder it is provided that the Election Authority, after going through the objection petition and after obtaining any further information from any source as he may deem fit and after giving personal hearing to the objection petitioner or to any other person, if he feels necessary, can pass orders on the objection petition. Sub-Rule (3) thereof provides that in the light of the orders passed under Sub-Rule (2), if the electoral roll requires any modification, the Election Authority, after incorporation of such modification, shall publish the final electoral roll not less than two days before the date of the election notified under Rule 7(2) and such electoral roll shall be the final and conclusive list of electors for election notified under Rule 7(2).

Since the list of voters was admittedly published only on 20.06.2005 under Sub-Rule (1) of Rule 6 of the Rules, objections can be filed thereto on or before 24.06.2005. In view of the remedy available under Rule 6 (1) of the aforesaid Rules,

the cause arising in this writ petition does not call for adjudication. It is, however, open to the petitioner to file his objections before the Election Authority in accordance with Rule 6 (1) of the Rules. The writ petition is dismissed. There shall be no order as to costs.

22.06.2005

Note: Issue C.C. by 23.06.2005.

(B/o.)

TS

To

1 The Chief Executive Officer, A.P. State Wakf Board, Haj House Buildings, Nampally, Hyderabad.
2 The Election Officer, A.P. State Wakf Board,
Khairatabad, Hyderabad.

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